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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/900,254	07/25/1997	PETER PFEUFFER	22750/350	7919

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NEW YORK, NY 10004

EXAMINER

YAO, SAM CHAUN CUA

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 06/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

116

Office Action Summary

Application No.

08/900,254

Applicant(s)

PFEUFFER, PETER

Examiner

Sam Chuan C. Yao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al (US 4,496,583) in view of either (Meyer (US 5,232,595) or Narou (US 4,876,007)) and Norton (US 2,862,542) for reasons of record set forth in an Examiner's Answer in Paper No. 24, and further in view of (Thornton et al (US 4,772,443), Frank (US 5,492,580), DE 4024053 A1, and Gooden (US 3,616,167) for reasons of record set forth in Paper No. 38 numbered paragraph 2.

Response to Arguments

3. Applicant's arguments filed on 04-21-03 have been fully considered but they are not persuasive.

In response to Counsel's argument regarding Thornton et al, DE 4,024,053, Frank, and Gosden, these references were cited to show that, it is conventional in diverse fields of art to preheat a fiber web comprising heat-activated binder fibers to soften/melt the binder fibers, and then to consolidate the preheated fiber web to a desired configuration using a pair of unheated/cooling rollers. It is worth noting that, Frank also teaches consolidating a fiber web using hot-calendering rolls as an alternative to the above process. This fiber web consolidation process is in fact similar, if not the same, process

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taught by Yamamoto et al. Moreover, as noted the prior office action, absent any showing of unexpected benefit, it is taken to be well within the purview of choice in the art to choose from a limited number of known and effective ways of heat-activating undrawn (i.e. heat-activated binder) fibers and profiled rollers compressing a fiber web. None, but only the expected result (i.e. thermally activating undrawn (i.e. heat-activated binder) fibers in a web and consolidating the web to a desired configuration) would have been achieved.

In response to Counsel's argument on page 4 full paragraph 1 regarding "... *the undrawn fibers in a single fibrous are bonded in a tension-free manner between non-heated profiled calender rolls*", Counsel's attention is directed to a written opinion by the Board of Patent Appeals and Interferences on page 6 last paragraph to page 8 full paragraph 2. Moreover, as noted in an Examiner's answer, neither Yamamoto et al nor Norton expressly teaches exerting any form of tension to a fibrous sheet during a calendering operation. In other words, during the calendering operation using profiled calender rolls taught by Norton, a fiber web is not subjected to any pulling or stretching operation; hence the web is compressed in a "*tension-free manner*". As for using **non-heated** profiled calender rolls, such would have been obvious in the art, because it is conventional in diverse fields of art to preheat a fiber web to soften/melt undrawn (i.e. heat-activated binder) fibers in the web, and then to consolidate the preheated web using unheated profiled rolls. None, but only the expected result (i.e. heat-activating undrawn fibers in a fibrous web so that fibers in the web can be bonded and configured to a desired shape) would have been achieved.

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In response to Counsel's argument on page 4 toward the bottom of full paragraph 1, it would appear that, Counsel appears to be taking Examiner's Answer to an Appeal Brief out of context. It is true that Yamamoto et al teaches using heated calender rolls to soften/melt undrawn (heat-activated binder) fibers so that the fibers in a web can be bonded and configured to a desired shape. However, on page 7 of the Examiner's Answer, it was also noted that, the recited three alternatives ways to activate undrawn (i.e. heat-activated binder) fibers in a web and compress a web using profiled rollers were taken to be obvious in the art. One in the art would have readily understood and appreciated that, it is not critical in the modified process of Yamamoto et al to use heated profiled rollers. Whether heating operation is performed before or during a compressing process using profiled rollers, and whether heated or unheated profiled rollers are used; what is important is to ensure that, the undrawn (heat-activated binder) fibers in a web are at a temperature of at least (preferably above) a softening temperature of the undrawn fibers to make them tacky, so that the fibers in the web can effectively be bonded and shaped to a desired configuration.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the


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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Chuan C. Yao whose telephone number is (703) 308-4788. The examiner can normally be reached on Monday-Friday with second Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael W Ball can be reached on (703) 308-2058. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7115 for regular communications and (703) 305-7718 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0651.


Sam Chuan C. Yao
Primary Examiner
Art Unit 1733

scy
May 31, 2003